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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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-	Appli	cation No.	Applicant(s)	
Office Action Summary		00,261	KONSTANTIN, MOSHE	
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	Antho	ony Fick	1753	
The MAILING DATE of this con Period for Reply	mmunication appears o	n the cover sheet	with the correspondence a	ddress
A SHORTENED STATUTORY PERI WHICHEVER IS LONGER, FROM T  - Extensions of time may be available under the prafter SIX (6) MONTHS from the mailing date of the If NO period for reply is specified above, the max. Failure to reply within the set or extended period Any reply received by the Office later than three rearned patent term adjustment. See 37 CFR 1.7	THE MAILING DATE OF DISSISTANCE OF THE MAILING DATE OF THE DESISTANCE OF THE MAILING DATE OF THE MAILING D	F THIS COMMUN no event, however, may and will expire SIX (6) M he application to become	NICATION. a reply be timely filed  ONTHS from the mailing date of this of ABANDONED (35 U.S.C. § 133).	
Status				
<ol> <li>Responsive to communication</li> <li>This action is FINAL.</li> <li>Since this application is in conclosed in accordance with the</li> </ol>	2b)∏ This action dition for allowance exc	is non-final. cept for formal ma	· · · · · · · · · · · · · · · · · · ·	e merits is
Disposition of Claims				
4) ⊠ Claim(s) <u>1-27,29,31-43 and 45</u> 4a) Of the above claim(s)  5) ⊠ Claim(s) <u>48-50</u> is/are allowed. 6) ⊠ Claim(s) <u>1-27,29,31,36-43 and</u> 7) ⊠ Claim(s) <u>32-35</u> is/are objected 8) ☐ Claim(s) are subject to	_ is/are withdrawn fron 	n consideration.		
Application Papers				
9) The specification is objected to 10) The drawing(s) filed on 20 June Applicant may not request that an Replacement drawing sheet(s) inc 11) The oath or declaration is object.	e 2003 is/are: a)⊠ acc y objection to the drawing cluding the correction is re	g(s) be held in abey equired if the drawi	rance. See 37 CFR 1.85(a).	CFR 1.121(d).
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a a) All b) Some * c) None 1. Certified copies of the p 2. Certified copies of the p 3. Copies of the certified copies of the p application from the Inte	e of: riority documents have riority documents have opies of the priority doc rnational Bureau (PCT	been received. been received in cuments have been Rule 17.2(a)).	Application No en received in this Nationa	l Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Re  3) Information Disclosure Statement(s) (PTO/S Paper No(s)/Mail Date		Paper N	w Summary (PTO-413) lo(s)/Mail Date of Informal Patent Application	

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 3. Claim 15 recites the limitation "the engagement surfaces" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 5. Claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Givoni (U.S. 6,978,578).

Givoni discloses a panel unit of controllable light transmission. The device is best shown within figure 1.

Regarding claim 1, figure 1 shows the panel unit comprising a pair of spacedapart transparent/translucent panels, 2 and 2', and a plurality of light-controlling

members positioned between the panels and mounted for rotation about their longitudinal axes, 6. Figures 2 and 3 display the light controlling members, 6, each having a substantially light blocking surface, 40, and an engagement surface in contact with an engagement surface of an adjacent light controlling member, 20. Figure 1 further shows gearboxes, 14, that rotate the light controlling members to vary the level of light passing through the panel (column 4, paragraphs 5, 6 and 7). Figures 1 and 2 also show elongated carriage members, 8, having a series of scalloped surfaces. The carriage members are between the panels and define annular openings with the light controlling members supported for rotational movement within the openings (figure 2). Figure 1 further shows a carriage member at the front of the panel near the gear boxes (bottom left of the figure) and a carriage member at the back of the panel (upper right of the figure). It is the position of the examiner that these two members comprise at least one pair of opposed members since they are at opposite ends of the panel. Therefore the panel meets all the structural requirements of the claim and the reference is deemed anticipatory.

Regarding claim 39, figure 1 shows the panel unit comprising a pair of spaced-apart transparent/translucent panels, 2 and 2', and a plurality of elongated tubular light-controlling members positioned between the panels and mounted for rotation about their longitudinal axes, 6. Figures 2 and 3 display the light controlling members, 6, each having a substantially light blocking surface, 40, a circular engagement surface in contact with an engagement surface of an adjacent light controlling member, 20, and longitudinal light blocking sills projecting radially from the outer surface of the tube, 42

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and 42'. Figure 1 further shows gearboxes, 14, that rotate the light controlling members by imparting rotary motion to at least one of the members to rotate the light blocking surfaces and vary the level of light passing through the panel (column 4, paragraphs 5, 6 and 7). Figure 6 shows a further embodiment of the elongated light controlling members. For the embodiment of figure 6, imparting rotary motion to the middle member in a set of three members, transmits the rotary motion to rotate the other two members. Therefore, it is the position of the examiner that the panel of Givoni, with the embodiment of figure 6, has means for rotation of a plurality of light controlling members (three members) by imparting rotary motion to one of the members (the middle one).

Regarding claim 40, figure 1 shows the panel unit comprising a pair of spaced-apart transparent/translucent panels, 2 and 2', and a plurality of light-controlling members positioned between the panels and mounted for rotation about their longitudinal axes, 6. Figures 2 and 3 display the light controlling members, 6, each having a substantially light blocking surface, 40. Figure 1 further shows gearboxes, 14, that rotate the light controlling members by imparting rotary motion at one end of each of the members to rotate the light blocking surfaces and vary the level of light passing through the panel (column 4, paragraphs 5, 6 and 7). Givoni also discloses the light blocking members can have a flat elongated strip with a zebra-like cross-section with transparent stripes alternating with opaque stripes (column 4, paragraph 2). This strip has a transparent/translucent portion (transparent stripes) and an opaque portion (opaque stripes) thus meeting the claim.

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Regarding claim 46, figure 1 shows the panel unit comprising a pair of spaced-apart transparent/translucent panels, 2 and 2', and a plurality of light-controlling members positioned between the panels and mounted for rotation about their longitudinal axes, 6. Figures 2 and 3 display the light controlling members, 6, each having a substantially light blocking surface, 40. Figure 1 further shows gearboxes, 14, that rotate the light controlling members by imparting rotary motion to at least one of the members to rotate the light blocking surfaces and vary the level of light passing through the panel (column 4, paragraphs 5, 6 and 7). Figure 6 shows a further embodiment of the elongated light controlling members. For the embodiment of figure 6, imparting rotary motion to the middle member in a set of three members, transmits the rotary motion to rotate the other two members. Therefore, it is the position of the examiner that the panel of Givoni, with the embodiment of figure 6, has a plurality of members (three members) mounted for rotation by imparting rotary motion to one of the members (the middle one).

Regarding claim 2, figures 1 and 2 show the panels are generally parallel to each other.

Regarding claims 3, 4 and 43, Givoni discloses the panels are made of a plastic, advantageously made of polycarbonate (column 2, paragraph 16) and figure 2 shows a rectangular cross section of the panel.

Regarding claim 5, figure 1 shows an elongated panel with the light controlling members, 6, generally corresponding in length to the length of the panels.

Regarding claim 8, Givoni discloses the light controlling members are positioned in abutting relationship (column 3, paragraph 3 and figure 2).

Regarding claims 9 through 20, Givoni discloses several embodiments for the light controlling members. In figure 3, the engagement surface, 20, is circular and extends 360 degrees about the circumference of the light controlling members, claims 9 through 11. Figure 3 also shows the members are elongated tubes having an outer circular surface extending at least 180 degrees with a plurality of rings, engagement surfaces 20, spaced along the outer surface to achieve rotation through 360 degrees, claims 12 and 13. Figure 4 shows the light controlling members are elongated tubes having an outer circular rotational surface extending 360 degrees, claim 14. Figure 2 shows the engagement surfaces in contact while the light controlling members are spaced from each other, claim 15. The light blocking members within figures 3 and 4 are planar and positioned across the diameter of the tube and Givoni discloses the light blocking members and the tubes are co-extruded (column 3, paragraph 6), claims 16 through 19. Figure 5 shows a generally planar light-blocking surface supported within a plurality of rings to achieve rotation through 360 degrees, claim 20.

Regarding claims 21 through 23, figure 3 shows tubular light controlling members including longitudinal sills projecting radially from the outer surface, 42 and 42', that are light blocking (column 3, paragraph 3). Figure 2 further shows these sills abut as the light controlling members rotate.

Regarding claim 24, figure 6 shows light controlling members include a first tube with a hemispherical cross section, 13', and an opaque surface across the diameter of

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the tube, 41, and a second tube with a hemispherical cross section attached across the diameter of the first tube to provide a 360 degree tubular outer circular rotation surface, 13.

Regarding claims 26 and 27, Givoni discloses the light blocking surfaces are substantially opaque (column 3, paragraph 3) or substantially semi-opaque (column 4, paragraph 2).

Regarding claim 29, figure 7 shows the plurality of carriage members spaced longitudinally along the light controlling members.

Regarding claim 31, Givoni discloses low friction between the carriage member and the light controlling members (column 4, paragraph 4).

Regarding claim 41, Givoni discloses the light controlling members are positioned in abutting relationship (column 3, paragraph 3 and figure 2).

Regarding claim 42, figure 3 shows tubular light controlling members including longitudinal sills projecting radially from the outer surface, 42 and 42', that are light blocking (column 3, paragraph 3).

Regarding claim 45, Givoni discloses that the light blocking surfaces can have transparent stripes alternating with opaque stripes (column 4, paragraph 2) thus segmenting the surface into transparent portions and opaque portions on one or all of the light blocking surfaces.

Regarding claim 47, figure 1 shows the means for applying rotary motion are substantially housed between the panels.

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### Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 6 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied to claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47 above.

The disclosure of Givoni is as stated above for claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47.

The difference between Givoni and claim 6 is the requirement of the length of the panel.

Givoni discloses the use of the panel unit for construction of walls, roofs, awnings, skylights, windows and the like (column 1, paragraph 1). The length of the panel unit will be chosen depending on the specific application for the panel and it would be obvious for one skilled in the art to choose that length. The lengths of walls, roofs, awnings, skylights and windows all fall within the range of 4 feet to 40 feet and the choice of a length within that range would have been obvious in view of Givoni.

The difference between Givoni and claim 38 is the requirement of a plurality of panels joined to adjacent panel units.

Givoni discloses in figure 2, the H shaped connecting member connects the front and rear panels of a single panel unit and also constitutes the connecting member of adjacent panel units (column 2, last paragraph).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a plurality of panel units of Givoni to form a panel system because the units are built for easy connection to adjacent panel units and multiple units allow for a larger coverage area of the panels.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied to claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47 above, and further in view of Man (U.S. 4,889,040).

The disclosure of Givoni is as stated above for claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47.

The difference between Givoni and claim 7 is the requirement of tinted panels.

Man teaches a transparent and sealed louver system. The louver blades and frame system are made from a polycarbonate material. Man further teaches the polycarbonate material can be colored or tinted (column 1, paragraph 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add coloring or tinting as in Man to the panels of Givoni because the colorants can be used for decorating or design tastes (Man column 1, paragraph 3). Because Man and Givoni are both concerned with polycarbonate louver systems, one would have a reasonable expectation of success from the combination. Thus the combination meets claim 7.

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9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied to claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47 above, and further in view of Gillard (U.S. 5,221,363).

The disclosure of Givoni is as stated above for claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47.

The difference between Givoni and claim 25 is the requirement of photovoltaic solar cells on the light blocking surfaces.

Gillard teaches a window fitting with solar cells attached to the slats of a window blind. Figures 2 and 3 show a panel of solar cells mounted on each slat of the window blind to face the sun when the blinds are in the closed position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize solar cells as in Gillard on the light blocking surfaces of Givoni because the solar cells generate electrical energy from sunlight incident on the solar cells when the light blocking surfaces of Givoni are in the closed position (Gillard column 3, paragraph 1). Because Givoni and Gillard are both concerned with light blocking structures, one would have a reasonable expectation of success from the combination. Thus the combination meets claim 25.

10. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied to claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47 above, and further in view of Konstantin (U.S. 5,437,129).

The disclosure of Givoni is as stated above for claims 1 through 5, 8 through 24, 26, 27, 29, 31, 39 through 43 and 45 through 47.

The difference between Givoni and claims 36 and 37 is the requirement of noncombustible or fire resistant material within the device.

Konstantin teaches a fire resistant skylight structure. Figure 2 shows the use of light transmitting insulation positioned between two panels of polymeric material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize light transmitting insulation as in Konstantin within the air space of the device of Givoni because the insulating material acts as a barrier to flames to prevent the flames from impinging on the lower panel and keep the temperature of the lower panel from rising as fast as it would rise in the absence of insulating material (Konstantin column 7, paragraph 1). Because Givoni and Konstantin are both concerned with transparent building structures, one would have a reasonable expectation of success from the combination. Thus the combination meets claims 36 and 37.

## Allowable Subject Matter

- 11. Claims 32 through 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 12. Claims 48 through 50 are allowed.
- 13. The following is a statement of reasons for the indication of allowable subject matter: claims 32 through 35 all require specific contacting engagement surfaces or cross sectional shapes of the light controlling members. The closest prior art is to Givoni (U.S. 6,978,578). As stated above, Givoni discloses a variety of configurations

for the light blocking members but does not disclose the requirements of the claims. The high friction material or notched bands of claims 32 and 33 would not be obvious to include in the device of Givoni since the engagement surfaces, 20, come into contact with the carriage member 8 (see figure 2) and these modifications would not allow the members to spin as easily, thus requiring more power to run the device. As each member rotates via its own gearbox, it also would not be obvious to utilize the cogwheel cross-section as that cross-section provides no benefits over the design in figure 6 of Givoni.

Claims 48 through 50 require carriage members positioned above the light controlling members that have scalloped surfaces and/or are unopposed. As shown in figures 1 and 2 of Givoni, the upper carriage members are flat and have other carriage members placed opposite them. The purpose of these carriage members is to maintain the array of light blocking members without causing additional friction to the members rotation. Givoni discloses the flat upper carriage member does not cause additional friction, thus it would not be obvious to alter the upper carriage member to include scalloped surfaces. Further, the use of the upper and lower members keeps the light blocking members within the array and removal of the lower member would destroy the invention of Givoni.

# Response to Arguments

14. Applicant's arguments filed February 12, 2007 have been fully considered but they are not persuasive. Regarding claim 1, applicant argues that the amendment to claim 1 that requires the presence of at least one pair of opposed elongated carriage

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members having a series of scalloped surfaces is neither taught nor suggested by Givoni. The examiner respectfully disagrees. As stated in the rejections above, the carriage members at the front and back of the panel (figure 1, member 8 near the gearboxes and member 8 at the upper right of the figure) are a pair of opposed carriage members. The figure shows each carriage member to have a series of scalloped surfaces that define annular openings which support the light blocking members. The device still meets the claim and the rejection is maintained.

Regarding claims 27 and 45, applicant argues that Givoni does not teach or suggest light blocking surfaces which are semi-opaque or segmented to include transparent segments and opaque segments. The examiner respectfully disagrees. As stated above, Givoni discloses a light-blocking surface with a zebra-like cross section containing transparent stripes and opaque stripes (column 4, paragraph 2). This surface is semi-opaque (allowing some light through the transparent stripes) and each stripe is a different segment, thus having transparent segments and opaque segments. Therefore the device still meets the claims and the rejections are maintained.

Regarding claim 38, applicant states that independent claim is included in the list of claims rejected as anticipated by Givoni and the examiner did not indicate the reason for rejection under 35 U.S.C. 102(e) of the claim. The examiner respectfully disagrees. The previous action did not include claim 38 as anticipated by Givoni and that is why no reason was indicated.

Regarding claim 39, applicant argues the amendment to the claim requiring means for rotating the members by imparting rotary motion to one of the members and

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transmitting that rotary motion across engagement surfaces of adjacent members is not taught or suggested by Givoni. The examiner respectfully disagrees. As stated above, Givoni does disclose an embodiment in figure 6 in which rotation of one member will transmit rotary motion to adjacent members. Therefore the device of Givoni has the structure required by the means for language of the claim. The invention of Givoni may contain extra elements over the present invention and may be operated in a different manner to the present invention. However, the additional elements of Givoni are not precluded by the present claims and the present claims are directed to a device, not a method of using the device. It is the position of the examiner that the panel of Givoni contains all the structural requirements of the claim and therefore the rejection is maintained.

Regarding claim 40, applicant argues that Givoni does not teach or suggest light blocking surfaces which are segmented to include transparent segments and opaque segments. The examiner respectfully disagrees. As stated above, Givoni discloses a light-blocking surface with a zebra-like cross section containing transparent stripes and opaque stripes (column 4, paragraph 2). Each stripe is a different segment, thus having transparent segments and opaque segments. Therefore the device still meets the claim and the rejection is maintained.

Regarding claim 46, applicant argues the amendment to the claim requiring mounting the members for rotation by imparting rotary motion to one of the members is not taught or suggested by Givoni. The examiner respectfully disagrees. As stated above, Givoni does disclose an embodiment in figure 6 in which rotation of one member

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will transmit rotary motion to adjacent members. Therefore the device of Givoni has the structure required by the language of the claim. The invention of Givoni may contain extra elements over the present invention and may be operated in a different manner to the present invention. However, the additional elements of Givoni are not precluded by the present claims and the present claims are directed to a device, not a method of using the device. It is the position of the examiner that the panel of Givoni contains all the structural requirements of the claim and therefore the rejection is maintained.

Regarding the rejection of claim 38 under 35 U.S.C. 103(a), applicant argues the amendment to the claim requiring means for rotating the members by imparting rotary motion to one of the members and transmitting that rotary motion across engagement surfaces of adjacent members is patentable over Givoni. The examiner respectfully disagrees. As stated above, Givoni does disclose an embodiment in figure 6 in which rotation of one member will transmit rotary motion to adjacent members. Therefore the device of Givoni has the structure required by the means for language of the claim. The invention of Givoni may contain extra elements over the present invention and may be operated in a different manner to the present invention. However, the additional elements of Givoni are not precluded by the present claims and the present claims are directed to a device, not a method of using the device. It is the position of the examiner that the panel of Givoni contains all the structural requirements of the claim for a single panel and the rejection of the claim for an obvious combination of multiple panels is maintained.

Regarding claim 25, applicant argues that Givoni does not teach or suggest the feature of solar cells on the light-blocking surfaces and the reference to Gillard does not teach or suggest including solar cells in light-blocking surfaces of light controlling members with engagement surfaces. The examiner respectfully disagrees. First, applicant is arguing features that are not within the claim. Claim 25 does not require engagement surfaces in contact with adjacent light controlling members or light controlling members which may be rotated by imparting rotating motion to at least one of the members. Second, as stated above, Gillard teaches the advantages of placing solar cells on light blocking members of a blind system. The panel of Givoni is a collection of light blocking members and it would have been obvious that the advantages within Gillard would also apply to the light blocking system of Givoni. Therefore the combination of the two is obvious to one of ordinary skill in the art and the rejection is maintained.

Regarding the remaining dependent claims, applicant argues the claims should be allowable for the same reasoning as the independent claims. As the examiner has already addressed each of those, the same reasoning applies for the dependent claims and the rejections are maintained.

#### Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Fick whose telephone number is (571) 272-6393. The examiner can normally be reached on Monday - Friday 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Fick AU 1753

April 27, 2007

NAM NGUYEN

SUPERVISORY PATENT EXAMINER
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